

**Introduced by Senator Wright**February 18, 2011

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An act to amend Section 6133 of the Penal Code, relating to corrections.

## LEGISLATIVE COUNSEL'S DIGEST

SB 680, as introduced, Wright. Corrections: Internal Affairs.

Existing law establishes the Bureau of Independent Review within the office of the Inspector General to provide public oversight of specified investigations conducted by the Department of Corrections and Rehabilitation, and to issue reports to the Governor and the Legislature that are required to include specified content.

This bill would provide that the Bureau of Independent Review shall provide public review, rather than public oversight, of those same investigations conducted by the Department of Corrections and Rehabilitation, and would delete specified required elements from the reporting mandate.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 6133 of the Penal Code is amended to  
2     read:  
3     6133. (a) There is created within the Office of the Inspector  
4     General a Bureau of Independent Review (BIR), which shall be  
5     subject to the direction of the Inspector General.  
6     (b) The BIR shall be responsible for contemporaneous public  
7     oversight review of the Department of Corrections and

1 Rehabilitation investigations conducted by the Department of  
2 Corrections and Rehabilitation's Office of Internal Affairs. The  
3 BIR shall also be responsible for advising the public regarding the  
4 adequacy of each investigation, and whether discipline of the  
5 subject of the investigation is warranted. The BIR shall have  
6 discretion to provide public-oversight review of other Department  
7 of Corrections and Rehabilitation personnel investigations as  
8 needed.

9 (c) (1) The BIR shall issue regular reports, no less than annually,  
10 to the Governor and the Legislature summarizing its  
11 recommendations concerning its-oversight review of the  
12 Department of Corrections and Rehabilitation allegations of  
13 internal misconduct and use of force. The BIR shall also issue  
14 regular reports, no less than semiannually, summarizing its  
15 oversight review of Office of Internal Affairs investigations  
16 pursuant to subdivision (b). The reports shall include, but not be  
17 limited to, the following:

18 (A) Data on the number, type, and disposition of complaints  
19 made against correctional officers and staff.

20 (B) A synopsis of each matter reviewed by the BIR.

21 (C) An assessment of the quality of the investigation, the  
22 appropriateness of any disciplinary charges, ~~the BIR's~~  
23 ~~recommendations regarding the disposition in the case and when~~  
24 ~~founded, the level of discipline afforded, and the degree to which~~  
25 ~~the agency's authorities agreed with the BIR recommendations~~  
26 ~~regarding disposition and level of discipline.~~

27 (D) The report of any settlement ~~and whether the BIR concurred~~  
28 ~~with the settlement.~~

29 (E) The extent to which any discipline was modified after  
30 imposition.

31 (2) The reports shall be in a form which does not identify the  
32 agency employees involved in the alleged misconduct.

33 (3) The reports shall be posted on the Inspector General's Web  
34 site and otherwise made available to the public upon their release  
35 to the Governor and the Legislature.